

REMARKS

The foregoing amendments have been made in order to expedite allowance of this case. As pointed out in the middle paragraph on page 9, the raw material for the complex oxide is brought to the inlet of the film-forming chamber in the state of a stable solution and introduced in the mist state so that the raw material is vaporized in the chamber. The mist is formed preferably in a two-fluid nozzle using an oxidative gas at 5 LM or more as indicated on page 11, lines 3-7 and page 14, lines 7-10. Claim 21 has been placed in independent form. In light of these amendments, it is respectfully submitted that the application is now in condition to be allowed.

Claim 1 was rejected under 35 U.S.C. 102 over Hatori, claims 1 and 9 under §102 over Hayashi. These rejections are respectfully traversed.

The Hattori patent relates to a metal oxide film resistor having a structure which is designed to overcome the problems delineated in the first two columns. This is accomplished by having a substrate coated with a metal oxide layer having a positive temperature coefficient resistance and a metal oxide layer having a negative temperature coefficient of resistance. The patent points out at col. 1, lines 35 *et. seq.* that the general methods for producing metal oxide film resistors include both spraying and chemical vapor deposition. The process described in the working examples is a chemical vapor deposition process in which a vapor is introduced into a chamber in contrast, in the present invention a mist of solution is introduced into a chamber and vaporized therein. The Hayashi reference likewise discloses a chemical vapor deposition process in which a vapor generated in unit 4 is conveyed through a pipe 5 and introduced into chamber 3. Neither of these references anticipates the instant claims.

Claims 1, 9, 12 and 14 were rejected under 35 U.S.C. 103 over Hayashi in view of Morita. This rejection is respectfully traversed.

A basic difference between the invention and Hayashi has been noted above. In this rejection, Morita has been cited to overcome further deficiency in that Hayashi does not teach pre heating the substrate to a film forming temperature. Even if the substrate in Hayashi was preheated, the Hayashi procedure is still very different from that in the present invention. Accordingly, the basic deficiencies in Hayashi remain and the claimed invention is not rendered obvious.

Claims 2-8, 10, 11, 13 and 19-21 were rejected under 35 U.S.C. 103 over Hayashi and Morita when combined with one or more of Solayappan, Ogi or Tisone. These rejections are also respectfully traversed.

It is respectfully submitted that none of these additional references cure the basic deficiencies in the combination of Hayashi and Morita. Solayappan has been cited only to teach that the carrier gas can be oxygen but does not teach or suggest an atomized material is discharged into a chamber. Ogi has been cited only to show that the precursor can contain certain of the claimed ligands.

The Tisone reference has been cited to show use of a two fluid nozzle and atomization within the nozzle. However, Tisone relates to a method of dispensing chemical reagents and other liquids onto a substrate and, or particularly, to methods for dispensing precise quantities of chemical reagents onto a receptive membrane in order to form a diagnostic test strip for clinical testing of various bodily fluids (col. 1, lines 6-14). The technology with which Tisone is concerned is divorced from the technology of the other references. None of the references suggest the combination nor is there any motivation to do so. As to some of the pending claims, note that Tisone further

discharges atomized material onto a substrate under atmospheric conditions and that would not propose anything which would motivate one skilled in the art to apply to Tisone in a vacuum situation even in the technology to which it is concerned. Any combination of the primary references with Tisone is clearly based on hindsight.

The Office Action states that the art would look at the teachings of Hayashi to determine the best method of performing the deposition of Hayashi and would also look to determine and find obvious alternatives in order to perform the deposition in a “known and desired fashion.” While applicant can agree with the first part of this assertion, it is respectfully submitted that the latter part is merely an after-the-fact attempt at a justification for the proposed modification. Use of the word “desired” presupposes that there is a desire but no such “desire” is set forth in Hayashi or any of the other references. This assertion is simply a prelude to finding some other reference which can be combined for no reason other than to formulate a rejection of the instant claims. That is a hallmark of a rejection based on hindsight.

Given the foregoing, there is no need to discuss the further deficiencies in the rejections.

In light of all of the foregoing considerations, it is respectfully submitted that this application is now in condition to be allowed and the early issuance of a Notice of Allowance is respectfully solicited.

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Respectfully submitted,

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